

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7-2-2014
TIME: 9:30 a.m.

Bryant, et al. v. Milborat, et al., CV-09-1751 (AKT)
Vercher, et al. -v- Milborat, et al., CV-09-1835 (WDW)
Vercher, et al. -v- Milborat, et al., CV-09-1836 (AKT)
Emmett, et al. -v- Milborat, MD, et al., CV-09-2368 (ADS) (AKT)
Smith, et al. -v- Milborat, MD, et al., CV-09-2506 (DRH) (AKT)
Spampata, et al. -v- Milborat, et al., CV-09-3031 (JS) (AKT)
Hall, et al. -v- Milborat, et al., CV-09-3060 (WDW)
Holden, et al. v. Milborat, et al., CV-09-3061 (AKT)
Hua, et al. -v- Milborat MD, et al., CV-09-3141 (JS) (AKT)
Talbot, et al. -v- Milborat, MD, et al., CV-09-3842 (WDW)
Dolan -v- Milborat, MD, et al., CV-09-4269 (JS) (AKT)
Stephenson, et al. v. Milborat, et al., CV-09-4298 (AKT)
Milelli, et al. -v- Milborat, MD, et al., CV-09-4381 (ADS) (AKT)
Mays -v- Milborat, MD, et al., CV-09-4579 (JS) (AKT)
Kalwary, et al. -v- Milborat, MD, et al., CV-09-4752 (AKT)
Vercher, et al. -v- Milborat, MD, et al., CV-09-5085 (WDW)
Taylor v. Milborat, et al., CV-09-5201 (ADS) (AKT)
Blair, et al. -v- Milborat, MD, et al., CV-09-5230 (DRH) (AKT)
Witty, et al. -v- Miborat, et al., CV-09-5621 (ADS) (AKT)
Schultz, et al. v. Milborat, et al., CV-10-103 (AKT)
Otto, et al. -v- Milborat, MD, et al., CV-10-145 (WDW)
Corbin, et al. -v- Milborat, MD, et al., CV-10-366 (ARL)
Moran -v- Milborat, MD, et al., CV-10-551 (JFB) (AKT)
Walker v. Milborat, et al., CV-10-621 (JFB) (AKT)
Wampler, et al. -v- Milborat, MD, et al., CV-10-765 (WDW)
Kemble, et al. -v- Milborat, et al., CV-10-863 (WDW)
Gannon, et al. -v- Milborat, et al., CV-10-1160 (ARL)
Caldwell, et al. -v- Milborat, et al., CV-10-1271 (JS) (AKT)
Napoli -v- Milborat, MD, et al., CV-10-1396 (AKT)
Schneider, et al. -v- Milborat, et al., CV-10-1465 (JS) (WDW)
Daniels, et al. -v- Milborat, MD, et al., CV-10-1586 (JS) (AKT)
Covert, et al. -v- Milborat, MD, et al., CV-10-1769 (JFB) (AKT)
Simons -v- Milborat, MD, et al., CV-10-2059 (WDW)
Simmermon, et al. -v Milborat, MD, et al., CV-10-2258 (ARL)
Tumblin -v- Milborat, et al., CV-10-2284 (DRH) (AKT)
Bolger -v- Milborat, et al., CV-10-2687 (JS) (AKT)
Fetterly, et al. -v- Milborat, et al., CV-10-4260 (AKT)
Colen -v- Milborat, et al., CV-10-5701 (DRH) (AKT)
Walker -v- Milborat, et al., CV-10-5881 (ADS) (ARL)
Brown -v- Milborat, et al., CV-10-5882 (AKT)
Ayers, et al. -v- Milborat, et al., CV-10-5957 (AKT)
Donohoe, et al. -v- Milborat, et al., CV-11-458 (ADS) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiffs: Lee S. Goldsmith
 Christina Ctorides
 Gene Locks
 Janet Walsh

 Defendants: Anthony Sola
 Rosaleen T. McCrory
 Nancy Block (North Shore Defs. w/exceptions noted)

 John McNaboe (Dr. Roonprapunt, Dr. Winkler,
 Dr. Mogilner)

SCHEDULING:

The next telephone conference call will be held on September 3, 2014 at 4 p.m.

THE FOLLOWING RULINGS WERE MADE:

1. Counsel reported today that all but three cases have been resolved. Counsel for all of the parties have agreed that they are going to try to arbitrate all three cases. The parameters of the arbitration are still being negotiated. In addition, counsel need updated medical records for treatment provided to the three plaintiffs during the past year. In two of the three cases, the parties are close to finalizing the parameters and expect to have the issues resolved in the next week to ten days. In the remaining case, the parties are further apart, but plaintiffs' counsel is optimistic that the third case will go to arbitration as well.
2. I granted the request for some limited additional time to get these matters resolved since the cases have now passed the five-year mark. All counsel understand the need to move forward. Counsel agree that September 3, 2014 is sufficient time to bring the issue to a conclusion one way or the other.
3. Counsel will be filing Stipulations of Discontinuances in the other settled cases in the short term. Some infant compromise documents have already been submitted in several cases. The respective judges are acting upon those submissions. We had some discussion today to clarify why the infant compromise applications were filed ex parte and the Court is satisfied with the explanation provided by counsel. Moreover, the defendants have not objected to that procedure.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge